

**Enrolled Minutes of the Fourth Regular or Special Meeting  
For the Twenty-Ninth Highland Town Council  
Regular Plenary Meeting  
Monday, February 10, 2020**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, February 10, 2020 at 6:30 O'clock P.M. in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Pursuant to HMC Section 2.05.130(A)(2), the Town Council considered and reviewed the agenda in an informal proceeding.

The Town Council President, Mark J. Schocke presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Council President Mark Schocke reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Mark J. Schocke, Thomas Black and Roger Sheeman. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Scott Bipse, Attorney with Abraham, Reed and Bipse; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Kathy DeGuilio-Fox, Redevelopment Director; and Kenneth J. Mika, Building Commissioner, were present.

*Also present:* Larry Kondrat and Rick Volbrecht of the Board of Waterworks Directors; Michael Blejski of the Community Events Commission; and Ed Dabrowski IT Director (Contract) were also present.

*Guests:* Robin Carlascio of the Idea Factory was also present.

**Minutes of the Previous Meeting:** The minutes of the regular meeting of January 27, 2020 was submitted for consideration. Councilor Black moved the approval of the minutes. Councilor Sheeman seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The minutes of 27 January 2020 were approved.

**Staff Reports:** The following staff reports were received and filed.

**• Building & Inspection Report for January 2020**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	3	0	3	\$834,621.00	\$12,813.00
Commercial Additions or Remodeling:	0	0	0	\$0.00	\$0.00
Signs:	6	0	6	\$27,427.00	\$2,094.00
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	46	46	0	\$583,541.00	\$13,114.50
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	0	0	0	\$0.00	\$0.00
Fences:	9	9	0	\$32,981.00	\$1,252.00
Swimming Pools:	0	0	0	\$0.00	\$0.00

DrainTile/ Waterproofing:	11	11	0	\$108,081.00	\$2,466.00
Miscellaneous	0	0	0	\$0.00	\$0.00
<b>TOTAL:</b>	<b>75</b>	<b>66</b>	<b>09</b>	<b>\$1,586,651.00</b>	<b>\$31,739.50</b>
<b>Electrical Permits</b>	<b>21</b>	<b>18</b>	<b>3</b>		<b>\$2,513.00</b>
<b>Mechanical Permits</b>	<b>22</b>	<b>19</b>	<b>03</b>		<b>\$2,269.00</b>
<b>Plumbing Permits</b>	<b>14</b>	<b>13</b>	<b>1</b>		<b>\$2,634.80</b>
<b>Water Meters</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Water Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Sewer/Storm Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>TOTAL Plumbing:</b>	<b>14</b>	<b>13</b>	<b>1</b>		<b>\$2,634.80</b>

**January Code Enforcement:**

Investigations: 104  
Citations: 008  
Warnings: 104

**January Inspections:**

Building: 38      Electrical: 34      Plumbing: 20      HVAC: 12  
Electrical Exams: 2

• **Fire Department Report for January 2020**

<u>Type of Call</u>	<u>Month</u>	<u>1<sup>st</sup> half of year</u>	
General Alarms	08	08	
Paid Still Alarms	24	24	
Still Alarms	07	07	
<b>Total Alarms:</b>	<b>39</b>	<b>39</b>	<b>Calls YTD: 39 calls</b>

• **Workplace Safety Report for January 2020**

There were four workplace incidents to report in December. The following report was filed.

Department	Injuries this Month	Year to Date 2020	Total in 2019	Restricted Days 2020	Lost Workdays This Year (2020)	Restricted Days Last Year (2019)	Lost Workdays Last Year (2019)
Parks	0	0	0	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	0	0	4	0	0	0	0
Street	0	0	1	0	0	0	0
Water & Sewer	0	0	5	31	0	80	46
Maint.	0	0	1	0	0	14	2
Other	0	0	1	0	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>31</b>	<b>0</b>	<b>94</b>	<b>48</b>

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**Appointments:**

• **Statutory Boards and Commissions**  
*Executive Appointments*

1. **Economic Development Commission:** (1) appointment to be made by Town Council President but must be *nominated by the Lake County Council. Currently held by David Beanblossom.* Term expires February 1, 2020. *(Letter from the County Council has been received)*

Noting that the County Council had reported that it nominated Dave Beanblossom to the Highland Economic Development Commission, The Town Council President, acknowledged the nomination and announced his re-appointment of **David Beanblossom**, 9321 Parkway Drive, Highland, to another four year term on the Economic Development Commission.

**Unfinished Business and General Orders:**

1. **Proposed Ordinance No. 1713:** An Ordinance to Make Technical Amendments To The Current Code of Ordinances for The Town of Highland, Particularly Amending Chapter 2.05, Regarding items on the Agenda regarding Public or Visitor Comments, All Pursuant To IC 36-1-5 and IC 36-1-27 Et Seq.

Councilor Zemen introduced and moved the consideration of Ordinance No. 1713 on the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Zemen moved the passage and adoption of Ordinance No. 1713 on the same meeting of its introduction. Councilor Sheeman seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

**ORDINANCE No. 1713**  
**of the**  
**TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE TO MAKE TECHNICAL AMENDMENTS TO THE CURRENT CODE OF ORDINANCES FOR THE TOWN OF HIGHLAND, PARTICULARLY AMENDING CHAPTER 2.05, REGARDING ITEMS ON THE AGENDA REGARDING PUBLIC OR VISITOR COMMENTS, ALL PURSUANT TO IC 36-1-5 AND IC 36-1-27 ET SEQ.**

**WHEREAS**, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit **shall** codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

**WHEREAS**, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

**WHEREAS**, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications not confined to any particular Title, Article or Chapter but nevertheless desirable to further improve and perfect the Code; and,

**WHEREAS**, The Town Council, is persuaded that it is necessary and desirable to adopt the several technical and substantive modifications necessary to carry out this requirement and to further improve and perfect the Code,

**NOW, THEREFORE, BE IT HEREBY ORDAINED** BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Highland Municipal Code, be hereby amended by repealing Section 2.05.090 (C) in its entirety, and replacing it with a new provision, to be styled as Section 2.05.090(C), which shall read as follows:

2.05.090 Agenda.

(C) The agenda of the town council regular meeting shall possess the following orders of business as may be applicable:

- (1) Opening ceremony or exercises. This item of business may include posting of colors, pledge of allegiance and any other element that the town council may determine appropriate.
- (2) Roll call and ascertainment of quorum. This item of business shall be conducted by a formal roll call conducted by the reading aloud of town council names in ward order. It may be conducted as a silent roll call as well.
- (3) Action on minutes of previous meeting(s). Minutes shall not be read aloud before action, unless the town council so directs. The town council may approve minutes by general consent.
- (4) Special Orders. This item of business may include such matters as may require public hearings, administration of oaths of office, special presentations, matters that require action at a particular meeting, and such things as may be made special orders as parliamentary practice or the proper officers may determine appropriate.
- (5) Comments from the Public or Visitors. This item of business is to permit persons to address the town council on matters pending before it. Persons wishing to speak should be recognized by the presiding officer before speaking. Persons addressing the town council are requested to limit their presentations to two minutes and encouraged to avoid repetitious comments.**
- ~~(5)~~(6) Communications. This item of business involves the reading of letters, petitions, or memos that may be transmitted to the town council and may include taking action on matters raised in the communications as may be appropriate or desirable.
- ~~(6)~~ (7) Receipt of Staff Reports. This item of business shall include receipt of the monthly reports from or regarding the activities of the building and inspection department, the fire department, workplace safety, and such reports as may from time to time be deemed necessary or desirable.
- ~~(7)~~ (8) Appointments. This item of business involves the making of appointments to various boards and commissions as Indiana law or ordinances of the town may from time to time require. When listing items, the agenda should distinguish appointments that are made by the town executive from those that are made by the town council as legislative or fiscal body of the town.
- ~~(8)~~ (9) Unfinished Business and General Orders. This item of business involves matters that may have been introduced in a previous meeting, but unfinished and such matters as may be placed before the town council for its consideration, such as ordinances, resolutions, orders and other matters deemed appropriate under Indiana law, ordinances, and parliamentary practice.
- ~~(9)~~ (10) New Business. This item of business is confined to announcements of intention to bring a future action, or requests for the preparation of legislative work product for future consideration. No ordinances, resolutions, or orders may be brought before the town council without the unanimous vote of the members present. In no instance may a matter for final action be taken up under this item of business.
- ~~(10)~~ (11) Comments from Town Council Membership (Good of the Order). This item of business is to permit members of the legislative body to offer such comments, informal observations or remarks that each councilor may deem appropriate, desirable or as likely to promote the general welfare, or the good of the order. Councilors shall be recognized by the presiding officer before speaking. Councilors may be recognized to speak in ward order with the town council president allowed to speak last.
- ~~(11)~~ (12) Comments from the Public or Visitors. This item of business is to permit persons to address the town council **on any matter**. Persons wishing to speak should be recognized by the presiding officer before speaking. Depending on the nature of the comments, the town council may direct the staff to address the topic or follow up on matters that may arise from public comments. If necessary, the matter may be set for action at a future meeting. Persons addressing the town council are requested to limit their presentations to two minutes and encouraged to avoid repetitious comments.
- ~~(12)~~ (13) Consideration of Accounts Payable Vouchers. This item of business is to allow the town council to consider and take action on accounts payable vouchers filed according to the provisions of IC [5-11-10](#) et seq. and [36-5-4](#) et seq.
- ~~(13)~~ (14) Adjournment. At the conclusion of all items of business, the town council president may declare the meeting adjourned or he may seek a motion from the town council for adjournment. This item of business should be understood according to parliamentary authority.

**Section 2.** That this ordinance shall be effective from and after its passage and adoption, as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on 10<sup>th</sup> day of February 2020. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 10<sup>th</sup> Day of February 2020, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

/s/Mark J. Schocke, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

- 2. Proposed Enactment No. 2020-06: An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to I.C. 8-1.5-3-11 et seq.**

Councilor Herak introduced and moved the consideration of Enactment No. 2020-06 on the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2020-06 on the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**TOWN COUNCIL of the TOWN of HIGHLAND  
ENACTMENT NO. 2020-06**

**An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to I.C. 8-1.5-3-11 et seq.**

**WHEREAS**, The Town of Highland by proper legislative action has established a Department of Waterworks pursuant to IC 36-1.4-4, codified as Chapter 12.05 of the Highland Municipal Code;

**WHEREAS**, The Department of Waterworks is governed by the provisions of IC 8-1.5-4 and IC 8-1.5-3 in its operations and management of assets;

**WHEREAS**, Indiana Code 8-1.5-4-11 particularly provides for the establishment by ordinance of a Cash Reserve Fund for the waterworks, for its stewardship for loans, and transfers for payments in lieu of taxes and under IC 8-1.5-3-8(e) for rates that support reasonable return on the utility plant of the municipality;

**WHEREAS**, Pursuant to IC 8-1.5-3-11 (b), the Town of Highland has established a Waterworks Cash Reserve Fund, under Section 12.05.050 (A) of the Highland Municipal Code;

**WHEREAS**, Pursuant to IC 8-1.5-3-11 (d), the Town of Highland adopted in its budget for FY 2020 an amount to include in the corporation general fund budget, in an amount, which cannot exceed the amount in the Cash Reserve Fund at June 30 of the year of the budget's preparation and not in excess of the amount calculated in the user rate basis for ROI;

**WHEREAS**, The amount in the Cash Reserve Fund at June 30, 2019 was \$263,252.72; and,

**WHEREAS**, Pursuant to IC 8-1.5-3-11 (d), the Town Council as the municipal legislative body desires to transfer **all** of the amount identified in the adopted budget for FY 2020,

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That pursuant to the provisions of IC 8-1.5-3-11(d), the Town Council hereby finds and determines the following:

- (A) That the Town Council adopted and the Department of Local Government Finance approved by order the budget of the Town for FY 2020, which for its municipal general fund did include an amount of up to \$ 105,000.00 to be transferred from the municipal water utility cash reserve fund;
- (B) That there is a Waterworks Cash Reserve Fund established by the municipality under Section 12.05.050 of the municipal code and the amount on deposit to that cash reserve fund at June 30, 2019 was two hundred sixty-three thousand, two hundred fifty-two dollars and seventy-two cents (\$263,252.72);
- (C) That any transfer herein authorized does not impair or adversely affect compliance with any terms or conditions of any bond ordinance or resolution, indenture, contract or similar instrument binding upon the municipality;
- (D) That the most recently adopted and effective rates and charges of the Department of Waterworks provide for rates that support reasonable return on the utility plant of the municipality, pursuant to IC 8-1.5-3-8(e), with such reasonable return to be deposited in the Cash Reserve Fund;

**Section 2.** That for the expenses of said municipality, the amount of **One hundred five thousand dollars (\$105,000)** are hereby transferred and set apart from the **Waterworks Cash Reserve Fund** for deposit in the **Corporation General Fund**, subject to the laws governing the same, subject to the approval of the Board of Waterworks Directors, as set forth in Indiana Code 8-1.5-3-11(a);

**Section 3.** That the Clerk-Treasurer is hereby authorized and requested as follows:

- (A) **To seek the approving action of the Board of Waterworks Directors as set forth above;**
- (B) **and,**
- (B) **Upon approval, to transfer the sum identified and as authorized herein;**

**Section 3.** That, in addition to the express authority conferred herein, the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby authorized and requested to take such steps as necessary to carry out the purposes of this enactment;

**Section 4.** That the money transferred may be expended from the Corporation General Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

Introduced and Filed on the 10<sup>th</sup> day of February 2020. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 10<sup>th</sup> day of February 2020 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

/s/Mark J. Schocke, President (IC 36-5-2-10)

**Attest:**

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

**Approval by the Board of Waterworks Directors**

It is hereby certified that the foregoing transfer from the cash reserve fund to the corporation general fund was considered at a regular or special meeting of the Highland Board of Waterworks Directors.

The transfer identified herein is duly approved pursuant to the provisions of IC 8-1.5-3-11(a) by the Board of Waterworks Directors of the Town of Highland, Lake County, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2020 having passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**THE HIGHLAND WATER WORKS  
BY IT'S BOARD OF DIRECTORS:**

\_\_\_\_\_  
George A. Smith, President

**Attest:**

\_\_\_\_\_  
Richard Volbrecht, Secretary

3. **Proposed Enactment No. 2020-07:** An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Sanitary District Sewage Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to HMC Section 12.10.110.

Councilor Herak introduced and moved the consideration of Enactment No. 2020-07 on the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2020-07 on the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

TOWN COUNCIL of the TOWN of HIGHLAND  
ENACTMENT NO. 2020-07

**An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Sanitary District Sewage Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to HMC Section 12.10.110.**

WHEREAS, The Town of Highland by proper legislative action has established a Department of Public Sanitation and Sanitary District pursuant to IC 36-9-25 et seq., codified as Chapter 12.10 of the Highland Municipal Code;

WHEREAS, The Department of Public Sanitation and Sanitary District is governed by the provisions of I.C. 36-9-25 and in some cases IC 36-9-23 in its operations, rate-setting and management of assets;

WHEREAS, Indiana Code 36-1-3 particularly provides for the exercise by ordinance of powers that are expressly granted to the municipality by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, Pursuant to IC 36-1-3 and IC 36-9-25 the Town adopted HMC Section 12.10.110, establishing a cash reserve fund for the wastewater and storm water utilities, for its stewardship for loans, and transfers for payments in lieu of taxes for rates that support a reasonable return on the sewage utility plant of the municipality;

WHEREAS, Pursuant to IC 36-9-25-11 (l), which expressly states that its particular provisions may not be construed to prohibit a municipal legislative body from including in an ordinance adopted under IC 36-9-25 any other provision that the municipal legislative body considers appropriate, the Town did adopt in its most recently effective rate ordinance, rates and charges that support a reasonable return on the sewage utility plant of the municipality;

WHEREAS, HMC section 12.10.110, provides that the cash reserve fund shall be governed by the provisions of IC 8-1.5-3-11;

WHEREAS, Pursuant to IC 8-1.5-3-11 (d), the Town of Highland adopted in its budget for FY 2020 an amount to include in the corporation general fund budget, in an amount, which cannot exceed the amount in the Cash Reserve Fund at June 30 of the year of the budget's preparation and not in excess of the amount calculated in the user rate basis for ROI;

WHEREAS, The amount in the Cash Reserve Fund at June 30, 2019 was **\$151,984.00**; and,

WHEREAS, Pursuant to the foregoing, the Town Council as the municipal legislative body desires to transfer all of the adopted amount identified in the adopted budget for FY 2020,

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the Town Council hereby finds and determines the following:

(A) That the Town Council adopted and the Department of Local Government Finance approved by order the budget of the Town for FY 2020, which for its municipal general fund did include an amount of up to **\$105,000** to be transferred from the municipal sewage cash reserve fund;

- (B) That there is a Sanitary District Sewage Cash Reserve Fund established by the municipality under Section 12.10.110 of the municipal code and the amount on deposit to that cash reserve fund at June 30, 2019 was one hundred fifty-one thousand, nine hundred eighty-four dollars (\$151,984.00);
- (C) That any transfer herein authorized does not impair or adversely affect compliance with any terms or conditions of any bond ordinance or resolution, indenture, contract or similar instrument binding upon the municipality;
- (D) That the most recently adopted and effective rates and charges of the Department of Public Sanitation and Sanitary District provide for rates that support reasonable return on the utility plant of the municipality, pursuant to IC 36-9-25-11(l), with such reasonable return to be deposited in the Cash Reserve Fund;

**Section 2.** That for the expenses of said municipality, the amount of **One hundred five thousand dollars (\$105,000.00)** are hereby transferred and set apart from the **Sanitary District Sewage Cash Reserve Fund** for deposit in the **Corporation General Fund**, subject to the laws governing the same, subject to the approval of the Board of Sanitary Commissioners, as set forth in Indiana Code 8-1.5-3-11(a) as adopted by reference in HMC Section 12.10.110 (A);

**Section 3.** That the Clerk-Treasurer is hereby authorized and requested as follows:

- (A) To seek the approving action of the Board of Sanitary Commissioners as set forth above; and,
- (B) Upon approval, to transfer the sum identified and as authorized herein;

**Section 4.** That, in addition to the express authority conferred herein, the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby authorized and requested to take such steps as necessary to carry out the purposes of this enactment;

**Section 5.** That the money transferred may be expended from the Corporation General Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

Introduced and Filed on the 10<sup>th</sup> day of February 2020. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 10<sup>th</sup> day of February 2020 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

/s/ Mark J. Schocke, President (IC 36-5-2-10)

**Attest:**

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

**Approval by the Board of Sanitary Commissioners**

It is hereby certified that the foregoing transfer from the cash reserve fund to the corporation general fund was considered at a regular or special meeting of the Highland Board of Sanitary Commissioners.

The transfer identified herein is duly approved pursuant to the provisions of IC 8-1.5-3-11(a), incorporated by reference in HMC Section 12.10.110 (A) and now adopted by the Board of Sanitary Commissioners of the Town of Highland, Lake County, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2020 having passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**DEPARTMENT OF PUBLIC SANITATION & SANITARY DISTRICT  
BY ITS BOARD OF SANITARY COMMISSIONERS:**

\_\_\_\_\_  
Richard Garcia, President

**Attest:**

\_\_\_\_\_  
David Jones, Secretary

4. **Resolution No. 2020-08:** A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 of the Indiana Code and Section 3.20.040 of the Highland Municipal Code for, the Sanitary District Bond and Interest Fund, the Redevelopment District Bond and Interest fund and the Park District Bond and Interest Fund.

Councilor Herak moved the passage and adoption of Resolution No. 2020-08. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND  
RESOLUTION NO. 2020-08

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4 OF THE INDIANA CODE AND SECTION 3.20.040 OF THE HIGHLAND MUNICIPAL CODE FOR, THE SANITARY DISTRICT BOND AND INTEREST FUND, THE REDEVELOPMENT DISTRICT BOND AND INTEREST FUND AND THE PARK DISTRICT BOND AND INTEREST FUND.

**Whereas,** The Clerk-Treasurer has advised the Town Council that cash balances in the **Sanitary District Bond & Interest Fund, the Redevelopment District Bond & Interest Fund and the Park District Bond and Interest Fund**, are not sufficient to meet its regular expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

**Whereas,** The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Corporation General Fund** and the **Economic Development Local Income Tax Fund** that can be temporarily transferred;

**Now, Therefore Be it Resolved** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the amount of \$745,564.00 be borrowed for the **Sanitary District Bond and Interest Exempt Fund** with the amount of \$745,564.00 to be loaned by the **Economic Development Local Income Tax Fund**, as authorized by HMC Section 3.45.180(B)(1);

**Section 2.** That said loan in the amount \$745,564.00 be repaid to the **Economic Development Local Income Tax Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Fund** with such loan to be repaid no later than December 31, 2020, subject to IC 36-1-8-4(b).

**Section 3.** That the amount of \$327,203.00 be borrowed for the **Park District Bond & Interest Fund** with the amount of \$327,203.00 to be loaned by the **Corporation General Fund**;

**Section 4.** That said loan in the amount of \$327,203.00 be repaid to the **Corporation General Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Park District Bond & Interest Fund** with such loan to be repaid no later than December 31, 2020, subject to IC 36-1-8-4(b).

**Section 5.** That the amount of \$8,698.00 be borrowed for the **Redevelopment Bond & Interest Fund** with the amount of \$8,698.00 to be loaned by the **Corporation General Fund**, as authorized by HMC Section 3.45.180(B)(1);

**Section 6.** That said loan in the amount of \$8,698.00 be repaid to the **Corporation General Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Redevelopment Bond & Interest Fund** with such loan to be repaid no later than December 31, 2019, subject to IC 36-1-8-4(b).

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 10<sup>th</sup> day of February 2020. Having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

/s/Mark J. Schocke, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

5. **Resolution No. 2020-09:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The

Public Safety Local Income Tax (Lit) Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Zemen moved the passage and adoption of Resolution No. 2020-09. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2020-09

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the PUBLIC SAFETY LOCAL INCOME TAX (LIT) FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Public Safety Local Income Tax (LIT) Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Public Safety Local Income Tax (LIT) Fund**, which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

PUBLIC SAFETY LOCAL INCOME TAX FUND

Reduce Account:		
249-0000-43000 Equipment Fire Suppression		\$ 10,110.00
<i>Total 400 Series Reductions:</i>		\$ 10,110.00
Increase and Create Accounts:		
249-0000-30003 Fire Truck Repair		\$ 8,791.00
249-0000-39004 Fire Software		\$ 1,319.00
<i>Total 300 Series Increases</i>		\$ 10,110.00
<b>Total of Fund Decreases:</b>		<b>\$ 10,110.00</b>
<b>Total of Fund Increases:</b>		<b>\$ 10,110.00</b>

DULY RESOLVED and ADOPTED this 10<sup>th</sup> Day of February 2020 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark J. Schocke, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- 6. Resolution No. 2020-10:** A Resolution Expressing the Sense of the Town Council regarding its Opposition to HB 1165, Which Prohibits Municipal Utilities from Requiring Either Landlords to Co-sign for Tenants or for Requiring Landlords to Sign instead of Tenants.

Councilor Herak moved the passage and adoption of Sense of the Council Resolution No. 2020-10. Councilor Sheeman seconded. Upon a roll call vote, there

were five affirmatives and no negatives. The motion passed. The resolution was adopted.

HIGHLAND TOWN COUNCIL  
Resolution No 2020-10

A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING ITS OPPOSITION to House Bill 1165, WHICH WILL PROHIBIT CURRENTLY LAWFUL PRACTICES of MUNICIPAL UTILITIES from REQUIRING EITHER LANDLORDS to CO-SIGN for TENANTS or for REQUIRING LANDLORDS TO SIGN INSTEAD OF TENANTS

**WHEREAS,** The Town of Highland was incorporated to provide certain public services to the residents of this community, all of whom are also residents of this state, and Nation, for whom their elected public servants commit their judgment and industry to promote the general welfare and common public good;

**WHEREAS,** The Highland Town Council, as the fiscal and legislative body of the Town of Highland, from time to time, encounters issues of public import and moment which warrant an expression from the elected representatives as part of the public discourse on the matter;

**WHEREAS,** Article 1, Section 31 of the Indiana Constitution provides that no law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good, nor from instructing their representatives, nor from applying to the General Assembly for redress of grievances;

**WHEREAS,** The First Amendment of the United States Constitution provides that Congress shall make no law abridging freedom of speech, or the right of the people to peaceably assemble, and to petition the government for redress of grievances;

**WHEREAS,** The Indiana General Assembly is Considering a Bill, numbered HB 1165, that if passed and adopted will negatively alter the current manner in which municipal utilities manage the risk from uncollectible receivables; and

**WHEREAS,** HB 1165 will prohibit municipal utilities from requiring landlords to co-sign for utility bill for its tenants, a requirement that the Town of Highland has used since the 1960's, to effectively protect the ratepayers from the costs incurred from unpaid bills for rental property;

**WHEREAS,** HB 1165 will further prohibit municipal utilities from requiring landlords to be the responsible customer rather than the tenants, a practice also employed by many Indiana municipal utilities to effectively protect the ratepayers from the costs incurred from unpaid bills for rental property;

**WHEREAS,** Eliminating the currently lawful practice to require landlords to serve as co-signer on tenant utility bills is a most unwelcome interference with Highland's and many municipal utilities' operating model, lowering costs of administration as this approach recognizes the landlord as the best bearer of this risk, as it is customary in the course of the business of renting or leasing space to residential or commercial business tenants to use both the *price of the rents* and the *required deposit* to cover losses that the Landlord might experience in the course of the business;

**WHEREAS,** The practice of requiring landlords to co-sign for their tenants or requiring landlords to be the sole signatory for its property, has allowed the Town of Highland and municipal utilities throughout Indiana to keep the risks off their ratepayers, and prohibiting this practice will in effect create an effective public subsidy for landlords, allowing any loss from an errant tenant who fails to pay the final utility bills, not to be borne by the landlord, who is responsible for vetting its tenants, but rather passed on to all other ratepayers, *exhibited in higher basic rates for all customers*.

**WHEREAS,** The Town of Highland by and through its elected officers wishes to offer a *distinct, strong and clear* public expression on the public importance of this matter,

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana that it is the *sense of the Town Council of Highland* is as follows:

**Section 1.** That Highland Town Council, **strongly opposes** HB 1165 and urges the Indiana Senate to reject its passage;

**Section 2.** The Town of Highland by and through its Town Council, further **strongly opposes** removal from municipal utilities local flexibility to structure their billing in the way that is at once *just, non-discriminatory, equitable*, and working for that community as municipal utilities are diverse in size, scope, and staffing, policies should be tailored to the needs of the individual community;

**Section 3.** The Town of Highland by and through its Town Council, still further offering its sense of the subject, **still further strongly opposes** HB 1165 as its deleterious impact on and prohibition of the administrative efficiency of holding landlords secondarily liable for unpaid tenant utility bills or to require accounts to be in the name of the landlord, creates an unnecessary and undue burden on municipal utilities and runs counter to the following:

- (A) That the service runs with and adds value to the commercial character of the property and is therefore ultimately the responsibility of the property owner;
- (B) That unpaid tenant bills are very difficult to collect by municipal utilities and are almost always written off as bad debt;
- (C) That it is not cost effective or feasible to pursue legal action against individual tenants who usually have little to no assets the utility could pursue for restitution;
- (D) That unlike investor owned utilities, municipal utilities operate with no profit margins and less fiscal capacity to absorb other techniques to ameliorate the loss and are therefore more financially susceptible to fiscal instability owing of large amounts of bad debt;
- (E) That imposing large deposits on everyone would require higher payments by homeowners and may price some tenants out of being able to afford necessities; further, differentiating deposits by *whether one is a tenant or an owner occupant*, is currently unlawful for utilities regulated by the Utility Regulatory Commission, and for all utilities regardless their regulation by the IURC, requires costly credit checks and a formula for linking credit to deposit amounts, a significant administrative burden;

**Section 4.** The Town of Highland by and through its Town Council, still further offering its sense of the subject, **stresses that if adopted, HB 1165** will create a *de facto* subsidy for landlords, paid by all other municipal ratepayers and along with the reasons heretofore stated, the Town of Highland by and through its Town Council, urges the Indiana State Senate, the Indiana General Assembly and the Indiana Governor to reject this bill;

**Section 5.** That the Clerk-Treasurer be hereby further instructed to transmit and forward this resolution to the **President Pro Tempore of the Indiana State Senate, the Governor of the State of Indiana**, and such other persons as may be deemed to have an interest in this matter and to encourage those persons to evidence their strong desire to see the objects and purposes of this "*Sense of the Council Resolutions*" achieved.

**DULY RESOLVED and ADOPTED** this 10<sup>th</sup> Day of February 2020 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

/s/ Mark J. Schocke, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- 7. Enactment No. 2020-11: An Enactment Regarding the Disposition of *Accreted* Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to I.C. 8-1.5-3-11 et seq.**

Councilor Herak introduced and moved the consideration of Enactment No. 2020-11 on the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2020-11 on the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**TOWN COUNCIL of the TOWN of HIGHLAND  
ENACTMENT NO. 2020-11**

**An Enactment Regarding the Disposition of Accreted Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to I.C. 8-1.5-3-11 et seq.**

**WHEREAS**, The Town of Highland by proper legislative action has established a Department of Waterworks pursuant to IC 36-1.4-4, codified as Chapter 12.05 of the Highland Municipal Code;

**WHEREAS**, The Department of Waterworks is governed by the provisions of IC 8-1.5-4 and IC 8-1.5-3 in its operations and management of assets;

**WHEREAS**, Indiana Code 8-1.5-4-11 particularly provides for the establishment by ordinance of a Cash Reserve Fund for the waterworks, for its stewardship for loans, and transfers for payments in lieu of taxes and under IC 8-1.5-3-8(e) for rates that support reasonable return on the utility plant of the municipality;

**WHEREAS**, Pursuant to IC 8-1.5-3-11 (b), the Town of Highland has established a Waterworks Cash Reserve Fund, under Section 12.05.050 (A) of the Highland Municipal Code;

**WHEREAS**, Pursuant to IC 8-1.5-3-11 (d), the Town of Highland adopted in its budget for FY 2020 an amount to include in the Corporation General Fund budget, in an amount, which cannot exceed the amount in the Cash Reserve Fund at June 30 of the year of the budget's preparation and not in excess of the amount calculated in the user rate basis for ROI;

**WHEREAS**, Pursuant to IC 8-1.5-3-11 (d), the Highland Town Council passed and adopted Enactment No. 2020-06, to transfer the budgeted amount of \$105,000.00 to the General Fund, subject to the approval of the Board of Waterworks Directors, and that this amount does not exceed the amount in the Cash Reserve Fund at June 30;

**WHEREAS**, The Indiana Department of Local Government Finance has issued a final budget order for the Corporation General Fund, and with a pending additional appropriation in the amount of \$260,123.00, there is a deficit in the General Fund, notwithstanding any loss from circuit breaker credits or collection delays;

**WHEREAS**, Pursuant to IC 8-1.5-3-11 (e), provides that at any time after the final approval of the budget should an emergency arise the legislative body may transfer additional money from the cash reserve fund to provide for the additional appropriations, with such transfer to be limited to accretions to the cash reserve fund since June 30, 2019;

**WHEREAS**, The amount in the Cash Reserve Fund at June 30, 2019 was \$263,252.72 and the amount at December 31, 2019 was \$797,463.00, means there were accretions to the fund in the approximate amount of \$434,211;

**WHEREAS**, Pursuant to IC 8-1.5-3-11 (e), the Town Council as the municipal legislative body desires to transfer **all** of the accreted amount identified to the Corporation General Fund,

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That pursuant to the provisions of IC 8-1.5-3-11(e), the Town Council hereby finds and determines the following:

- (A) That the Town Council did adopt, and the Department of Local Government Finance approved by order the budget of the Town for FY 2020, which for its municipal general fund did include an amount of up to \$ 105,000.00 to be transferred from the municipal water utility cash reserve fund;
- (B) That the Highland Town Council passed and adopted Enactment No. 2020-06, to transfer the budgeted amount of \$105,000.00 to the General Fund, subject to the approval of the Board of Waterworks Directors;
- (C) That there is a Waterworks Cash Reserve Fund established by the municipality under Section 12.05.050 of the municipal code, and that the resources of that fund are as follows:
  - i. That the amount on deposit to the Water Cash Reserve fund at June 30, 2019 was two hundred sixty-three thousand, two hundred fifty-two dollars and seventy-two cents (\$263,252.72);
  - ii. That the amount on deposit to the Water Cash Reserve Fund at December 31, 2019 was seven hundred ninety-seven thousand, four hundred sixty-three dollars (\$797,463.00);
  - iii. That there were accretions to the fund in the approximate amount of four hundred thirty-four thousand, two hundred eleven dollars (\$434,211.00);
  - iv. That there is an adopted additional appropriation in the amount of \$260,123.00 to the Corporation General Fund, pending review by the Department of Local Government Finance, and there is a revenue gap in the General Fund, notwithstanding any loss from circuit breaker credits or collection delays, which is an exigent matter;

- (D) That any transfer herein authorized does not impair or adversely affect compliance with any terms or conditions of any bond ordinance or resolution, indenture, contract or similar instrument binding upon the municipality;
- (E) That the most recently adopted and effective rates and charges of the Department of Waterworks provide for rates that support reasonable return on the utility plant of the municipality, pursuant to IC 8-1.5-3-8(e), with such reasonable return to be deposited in the Cash Reserve Fund;

**Section 2.** That owing to the exigent circumstances, the need to support the additional appropriations in the Corporation General Fund, the need to ameliorate the gap in revenues, and for the expenses of said municipality, the amount of **Four hundred thirty-four thousand, two hundred eleven dollars (\$434,211)** are hereby transferred and set apart from the **Waterworks Cash Reserve Fund** for deposit in the **Corporation General Fund**, subject to the laws governing the same, subject to the approval of the Board of Waterworks Directors, as set forth in Indiana Code 8-1.5-3-11(a) and IC 8-1.5-3-11(e);

**Section 3.** That the Clerk-Treasurer is hereby authorized and requested as follows:

- (A) To seek the approving action of the Board of Waterworks Directors as set forth above; and,
- (B) Upon approval, to transfer the sum identified and as authorized herein;

**Section 4.** That, in addition to the express authority conferred herein, the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby authorized and requested to take such steps as necessary to carry out the purposes of this enactment;

**Section 5.** That the money transferred may be expended from the Corporation General Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

Introduced and Filed on the 10<sup>th</sup> day of February 2020. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 10<sup>th</sup> day of February 2020 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

/s/Mark J. Schocke, President (IC 36-5-2-10)

**Attest:**

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

**Approval by the Board of Waterworks Directors**

It is hereby certified that the foregoing transfer from the cash reserve fund to the corporation general fund was considered at a regular or special meeting of the Highland Board of Waterworks Directors.

The transfer identified herein is duly approved pursuant to the provisions of IC 8-1.5-3-11(a) by the Board of Waterworks Directors of the Town of Highland, Lake County, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2020 having passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**THE HIGHLAND WATER WORKS  
BY IT'S BOARD OF DIRECTORS:**

\_\_\_\_\_  
George A. Smith, President

**Attest:**

\_\_\_\_\_  
Richard Volbrecht, Secretary

**8. Works Board Order No. 2020-06: An Order Approving and Authorizing A Memorandum of Understanding Between the Town of Highland, Through its Police Department and the Town of Munster, Through its Police Department,**

Regarding Use of Highland's Animal Control Facilities by the Town of Munster Police Department for Housing of Animals.

Councilor Herak moved the passage and adoption of Works Board Order No. 2020-06. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was adopted.

TOWN OF HIGHLAND  
BOARD OF WORKS  
ORDER OF THE WORKS BOARD NO. 2020-06

**AN ORDER APPROVING AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF HIGHLAND, THROUGH ITS POLICE DEPARTMENT AND THE TOWN OF MUNSTER, THROUGH ITS POLICE DEPARTMENT, REGARDING USE OF HIGHLAND'S ANIMAL CONTROL FACILITIES BY THE TOWN OF MUNSTER POLICE DEPARTMENT FOR HOUSING OF ANIMALS.**

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), been Advised that the Town Board of Metropolitan Police Commissioners has recommended approval of a memorandum of Understanding to support the use by the Town of Munster Police Department of the Town of Highland Police Department's Animal Control Facility;

**Whereas**, The Operation and Maintenance of an Animal Care Facility and enforcement of humane law and animal control ordinances are powers expressly conferred under IC 36-8-2-6;

**Whereas**, The authority to contract or approve a memorandum of understanding between and by the Town of Highland Police Department and Town of Munster Police Department, is reposed in the Town Council, pursuant to IC 36-1-4 et seq. and IC 36-8-9 et seq.;

**Whereas**, That memorandum of Understanding to support the use by the Town of Munster Police Department of the Town of Highland Police Department's Animal Control Facility has been prepared and presented to the Town Council following its review and recommendation for approval by the Town Board of Metropolitan Police Commissioners;

**Whereas**, The Town of Highland, through its Town Council acting as the Works Board, now desires to accept and approve the memorandum of Understanding to support the use by the Town of Munster Police Department of the Town of Highland Police Department's Animal Control Facility as herein described,

**Now Therefore Be it hereby ordered and resolved** by the Town Council, acting as the Works Board of the Town of Highland, Lake County, Indiana:

**Section 1.** That the memorandum of Understanding (MOU) to support the use by the Town of Munster Police Department of the Town of Highland Police Department's Animal Control Facility presented to the Town Council following its review and recommendation for approval by the Town Board of Metropolitan Police Commissioners is hereby approved, adopted, and ratified in each and every respect;

**Section 2.** That the terms and fees for services set forth under the MOU for lodging animals by the Town of Munster Police Department above three (3) animals of twenty five dollars (\$25) per day per animal lodged and the quarterly stipend of \$500 are found to be *reasonable and not greater than that reasonably related to reasonable and just rates and charges for service*;

**Section 3.** That the Police Chief of the Town of Highland Police Department is hereby authorized to execute the memorandum of understanding, once signed by the Police Chief of the Town of Munster Police Department, one original of the MOU be filed with the Clerk-Treasurer.

**Be it so Ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 10<sup>th</sup> day of February 2020 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

/s/Mark J. Schocke, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

Exhibit:

**MEMORANDUM OF UNDERSTANDING  
USE OF HIGHLAND ANIMAL CONTROL FACILITY**

This Memorandum of Understanding (MOU) is entered into by the Highland Police Department and the Munster Police Department for the purpose of housing dogs and cats in the Highland Animal Control Facility.

**Purpose:**

The purpose of this Memorandum of Understanding is to outline the use of the Highland Animal Control Facility by the Munster Police Department.

**Operational Guidelines:**

The Highland Animal Control Facility is operated by the Highland Police Department. The housing of dogs and cats by the Munster Police Department will be accommodated when there is sufficient space in the facility. Employees of the Munster Police Department will first call the Support Services office at the Highland Police Department to confirm there is space available to lodge the animals in the facility. Upon receiving confirmation that there is available space, the employee from the Munster Police department will provide the Munster Police Department case number to the Support Services employee. The Munster Police Department employee will then lodge the animal in the facility and will provide said animal with proper water and food and secure the door to the kennel or cage. It will then be the responsibility of an employee of the Munster Police Department to make sure the lodged animal is watered and fed. The animal will not be lodged for more than 24 hours unless there are exigent circumstances. The Munster Police Department employee will be responsible to immediately notify the employee working in the Highland Police Department Support Services office when the animal is released from the facility. Upon releasing the animal from the facility, the Munster Police Department employee will make sure that the kennel or cage that was used is clean. Food for the animals will be provided by the Highland Police Department. Should the animal require any type of medical care or euthanasia, those arrangements and expenses will be the responsibility of the Munster Police Department.

**Fees:**

The Munster Police Department will be allotted the lodging of three (3) animals per month free of charge. After three (3), the assessed fee per lodged animal will be twenty five dollars (\$25) per day. The Highland Police Department will invoice the Munster Police Department quarterly with the monies being deposited in the General Fund/Quarantine Line. In addition to the \$25 daily fee, any special services provided by our agency, such as transportation to a shelter by our Animal Control Officer, will be billed accordingly at the rate of \$25 per event.

Additionally, a stipend of \$500.00 per quarter (payable bi-annually) will be invoiced to the Munster Police Department. This fee encompasses compensation for time spent by the Highland Animal Warden assisting Munster Police Department with the placement of animals utilizing his network of rescues, time spent for cleaning and maintenance of the facility, costs for repairs and improvements to the facility, and for time spent by our Support Services Staff that make case reports, log the animals in our record keeping system and handle phone calls regarding people inquiring about lost/found pets in Munster.

**TERMS OF MEMORANDUM OF UNDERSTANDING:**

The terms of this agreement shall be in effect from the date of signing, and may be amended at any time.

\_\_\_\_\_  
Peter T. Hojnicky, Chief  
Highland Police Department

Date: \_\_\_\_\_

\_\_\_\_\_  
Steve Scheckel, Chief  
Munster Police Department

Date: \_\_\_\_\_

9. **Authorizing the proper officer to publish legal notice of a public hearing:** Public Hearing to consider additional appropriations in the amount of \$50,000 in the Information Communications Technology Fund and in the amount of \$36,804 in the Municipal Cumulative Capital Development Fund.

Councilor Herak moved to authorize the proper officer to publish legal notice of a public hearing as indicated. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The proper officer was authorized to publish legal notice of a public hearing as indicated.

**Remarks from the Town Council:**  
*(For the Good of the Order)*

- **Councilor Bernie Zemen:** • *Fire Department, Liaison* • *Liaison to the Plan Commission*

Councilor Zemen acknowledged the Building Commissioner who noted that there was no new business pending before the Plan Commission.

Councilor Zemen acknowledged the Fire Chief who reported on incidents responses.

- **Councilor Mark Herak:** • *Budget and Finance Chair* • *Liaison to the Advisory Board of Zoning Appeals* • *Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Herak complimented the employees' for an incident free safety report for January.

Councilor Herak wished the Police Chief a happy birthday.

Councilor Herak acknowledged the Police Chief who reported on the no-shave fundraiser being conducted by the Highland F.O.P.

Councilor Herak complimented the Public Works Director regarding the quality of the snow removal recently undertaken.

- **Councilor Tom Black:** *Liaison to the Board of Sanitary Commissioners* • *Liaison to the Board of Waterworks Directors.*

Councilor Black congratulated \_\_\_\_\_ on a recent state championship for wrestling.

- **Councilor Roger Sheeman:** *Chamber of Commerce Liaison* • *Liaison to the Community Events Commission* • *Information Technology Liaison* • *and Redevelopment Commission Liaison.*

Councilor Sheeman acknowledged the Redevelopment Director who had no report.

- **Councilor President Mark Schocke:** *Town Executive* • *Chair of the Board of Police Pension Trustees* • *Park and Recreation Liaison.*

The Town Council President acknowledged the Parks and Recreation Superintendent who reported on parks and recreation generally.

The Town Council President further thanked the public works workers for their recent response to snow plowing.

**Comments from Visitors or Residents:**

1. Rick Volbrecht, Highland, expressed appreciation for the Town Council's action regarding the amendment to the agenda allowing comments at the beginning of the meeting.

Mr. Volbrecht asked whether this action would apply to all boards and commissions or just the Town Council. He was advised that this applied only to the Town Council.

Mr. Volbrecht also offered support for a banner program that honors student athletes for Highland.

2. Ty Husterman, Munster, identified himself as a Munster High School government student who asked the Town Council a question on its top priorities.

Councilor Sheeman responded with some broad goals including assure greater transparency, and to attract more business.

Ty Husterman, Munster, asked about the most pressing issue confronting the Town Council. Councilor Black responded that it was property tax caps.

3. Larry Kondrat, Highland, sought clarification regarding the transfers that were enabled by Enactments No. 2020-6, 2020-07 and 2020-11. He was advised that Enactments 2020-06 and 2020-07 were adopted in consequence of the amount budgeted for 2020. Enactment 2020-11 was to support the additional appropriations in the Corporation General Fund, and to close the gap in revenue from planned spending.

Mr. Kondrat noted that business banners were already erected on the poles in the downtown section along Highway Avenue. He commented on the pending policy that is being considered by the Town Council regarding the light poles and banner display.

4. Michael Blejski, Highland suggested that banners for business should really be located on Kennedy Avenue rather than in the downtown. He suggested that that student athlete banners should be on Highway Avenue.

Mr. Blejski asked about the status of the Main Street Bureau vice present. There was no comment.

5. Sandra McKnight, Highland, identified herself a Veteran/Military Banner volunteer, asked about the downtown banners.
6. Elijah Aurand, Highland, asked about any regulations regarding signs associated with his business Next Generation Gaming. He was encouraged to consult with the Building Commissioner before he departed who could advise him regarding any sign regulations.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period December 24, 2019 through February 10, 2020 as well as to ratify the payroll docket for the payday January 17, 2020, *excepting those reimbursements for Councilor Black and Councilor Sheeman.* Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed except for those involving reimbursements for Councilors Black and Sheeman, payroll docket and other payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Councilor Herak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket involving reimbursements for Councilor Black and Councilor Sheeman filed on the docket, covering the period December 24, 2019 through February 10, 2020. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Zemen, Herak, Sheeman, and Schocke voting in the affirmative, and Councilor Black abstaining, the motion passed. to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket involving reimbursements for Councilor Black and Councilor Sheeman filed on the docket, covering the period December 24, 2019 through February 10, 2020 were allowed and the Clerk-Treasurer was authorized to make payment.

**Vendors Accounts Payable Docket:**

**General Fund, \$254,121.79; Motor Vehicle Highway and Street (MVH) Fund, \$93,571.93; Federal Forfeited and Seized Assets Fund, \$1,310.00; Law Enforcement Continuing Education and Training and Supply Fund, \$829.74; Flexible Spending Accounts Agency Fund, \$1,225.12; Insurance Premium Agency Fund, \$203,621.30; Information Communications Technology Fund, \$28,621.07; Special Events Non Reverting Fund, \$6,329.00; Police Pension 1925 Fund, \$72,409.68; Municipal Cumulative Capital Development Fund, \$55,358.92; Traffic Violations and Law Enforcement Agency Fund, \$3,000.00; Municipal Cumulative Street Fund, \$812.50; Public Safety LIT Fund, \$22,039.00; Total: \$743,250.05.**

**Payroll Docket for payday of January 17, 2020:**

**Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$16,747.23; Building and Inspection Department, \$8,780.39; Metropolitan Police Department, \$124,670.94; Fire Department, \$3,469.16; Public Works Department (Agency), \$73,056.51 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$226,724.23.**

**Adjournment of Plenary Meeting.** Councilor Zemen moved that the plenary meeting be adjourned. Councilor Black seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, February 10, 2020 was adjourned at 7:59 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer

Approved by the Town Council at its meeting of \_\_\_\_\_, 2020.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer